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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	Hakim
Serial No.:	10/001,257
Filing Date:	11/27/01
Art Unit:	3727
Examiner:	Harry A. Grosso
For:	No Spill Drinking Cup Apparatus
Attorney Docket No.:	4009.007.002

Patent Application

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Information Disclosure Statement

Attached hereto are several sheets of Form PTO/SB/08A listing documents for consideration in connection with the above-captioned application. A copy of each of the references is enclosed.

As the Patent Office is aware, the present application is related to two previously issued U.S. patents. Those patents are U.S. Patent No. 6,321,931 (which is a parent to the present application) and U.S. Patent No. 6,357,620 (which is a continuation-in-part of the '931 patent).

Please note that both patents have been asserted in litigation against parties accused of infringement. That litigation was captioned: *Nouri E. Hakim v. Cannon Avent Group, PLC, Cannon Rubber Limited, and Avent America, Inc.*, Civil Action No. 3-02-1371 (U.S. District Court for the Western District of Louisiana). In the litigation, Defendants asserted that all of the asserted claims of the patents are invalid over prior art and not infringed. The District Court held the claims of the

'931 patent not infringed by Defendants' products, and held the claims of the '620 patent invalid. A copy of the two Magistrate Reports regarding the patents (which were both adopted by the District Court) are attached to sheet 1 of Form PTO/SB/08A.

It is submitted that the court's decisions were in error. In the report regarding the '620 patent, for example, the magistrate ruled that the particular words used in the claims do not matter. *See*, Magistrate's Report and Recommendation of 02-02-2005 re U.S. Patent No. 6,357,620 (Civ. Action No. 3-02-1371, U.S. District Court, W.D. Louisiana) at pages 11-12. Counsel respectfully submits that this reflects a misunderstanding of fundamental patent law principles, which state that the exact words used in the claims not only matter, but are critical to determining validity and infringement. *See e.g., Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (*en banc*). Accordingly, Mr. Hakim has appealed both decisions to the U.S. Court of Appeals for the Federal Circuit. *See, Nouri E. Hakim, Plaintiff-Appellant, v. Cannon Avent Group, PLC, Cannon Rubber Limited, and Avent America, Inc.*, Appeal No. 05-1398 (CAFC 2005). We are currently awaiting a decision from the Federal Circuit on that appeal.

Please further note that in the District Court litigation and in the appeal, the following references were particularly relied upon by Defendants:

- Italian Patent No. IT 594,286;
- European Patent Application No. 0 388 828 of ICA S.P.A.;
- U.S. Patent No. 5,250,266 issued to Kanner;
- U.S. Patent No. 4,324,097 issued to Schmitt;
- U.K. Patent Application No. GB 2,266,045A of Haberman;
- U.S. Patent No. 5,706,973 issued to Robbins III et al.;
- U.S. Patent No. 5,542,670 issued to Morano;
- U.S. Patent No. 5,890,620 issued to Belcastro;
- U.S. Patent No. 5,079,013 issued to Belanger;
- U.S. Patent No. 5,890,621 issued to Bachman, et al.;
- U.S. Patent No. 5,186,347 issued to Freeman, et al.;

Copies of all those references (including a translation of the Italian reference) are attached to sheet 2 of Form PTO/SB/08A. Some of these references are already of record and were already previously discussed in the Preliminary Amendment filed in this application on November 25, 2002. Nonetheless, duplicate copies are attached hereto for the Examiner's convenience.

A copy of the International Search Report ("ISR") from PCT/US98/17379, and the International Search Report from PCT Application No. PCT/US99/19238, are attached to sheet 3 of Form PTO/SB/08A. The Supplementary European Search Report from pending European Patent Application No. 98 94 3302, and the Supplementary European Search Report ("SESR") from European Patent Application No. 99 94 3860 (which issued as European Patent No. EP 1 104 252 B1), are also attached to sheet 3 of Form PTO/SB/08A.¹

References cited in the ISRs and SESRs and/or cited in foreign patent offices, are all attached to sheets 4-6 of form PTO/SB/08A (other than those references already listed on prior sheets).

Various other references brought to Applicant's or counsel's attention during the litigation are listed on sheets 7-11 of Form PTO/SB/08A (other than those references already listed on prior sheets).

In addition, U.S. Patent No. 6,994,225 has also issued to Applicant ("the '225 patent") for further no-spill cup inventions, and is hereby brought to the Examiner's attention. References which were cited in the '225 patent are attached to sheets 12-13 of Form PTO/SB/08A (other than those references already cited on prior sheets).

¹ The disclosure of PCT/US98/17379 corresponds to the '931 patent application, and the disclosure of PCT Application No. PCT/US99/19238 corresponds to the '620 patent application. The disclosure of European Patent Application No. 98 94 3302 corresponds to the '931 patent application, and the disclosure of European Patent Application No. 99 94 3860, corresponds to the '620 patent application.

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The citation of any reference herein is not intended to as an admission or indication that is prior art or relevant, but rather is intended to ensure that it is of record for the Examiner's consideration. Accordingly, it is respectfully requested that all of the references be considered by the Examiner, that the pending claims be examined in view thereof, and that the attached form be initialled to confirm the same.

It is submitted that none of the references of record in the present and parent application expressly teach or suggest the claimed invention, when properly and thoroughly considered individually or in combination.

It is believed that this disclosure, pursuant to 37 C.F.R. §§ 1.97 and 1.98, complies with the requirements of 37 C.F.R. § 1.56 and the Manual of Patent Examining Procedure. *See e.g.*, MPEP §707.05(b). If for some reason the Patent Office considers otherwise, it is respectfully requested that the undersigned be contacted at the telephone number listed below so that any deficiencies can be immediately remedied.

Authorization is hereby provided to debit any and all amounts required in connection with this submission from Deposit Account No. 50-1604.

Dated: November 2, 2006

Respectfully submitted,



Morris E. Cohen (Reg. No. 39,947)
1122 Coney Island Avenue, Suite 217
Brooklyn, New York 11230
(718) 859-8009 (telephone)
(718) 859-3044 (facsimile)

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/001,257
Filing Date	11/27/2001
First Named Inventor	Hakim
Art Unit	3727
Examiner Name	Harry A. Grosso
Attorney Docket Number	4009.007.002

Sheet

1

of

13

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Magistrate's Report and Recommendation of 02-02-2005 re U.S. Patent No. 6,321,931 (U.S. District Court, W.D. Louisiana, Civ. 3-02-1371).	
		Magistrate's Report and Recommendation of 02-02-2005 re U.S. Patent No. 6,357,620 (U.S. District Court, W.D. Louisiana, Civ. 3-02-1371).	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 2 of 13**Complete if Known**

Application Number	10/001,257
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First Named Inventor	Hakim
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Examiner Name	Harry A. Grosso
Attorney Docket Number	4009.007.002

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 2,250,266		Kanner	
		US- 4,324,097		Schmitt	
		US- 5,706,973		Robbins III, et al.	
		US- 5,542,870		Morano	
		US- 5,890,620		Belcastro	
		US- 5,079,013		Belanger	
		US- 5,890,621		Bachman, et al.	
		US- 5,186,347		Freeman, et al.	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials ²	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		IT 594,286		Leonardo Mutti et al.		
		EPA 0 388 828 A1		ICA S.P.A.		
		GB 2 266 045 A		Haberman		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 808. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinda Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

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Sheet	3	of	13
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U. S. PATENT DOCUMENTS

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Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code* Number * Kind Code* (if known)			
		ISR from PCT/US98/17379			
		ISR from PCT/US99/19238			
		EPO Search fm EP98943302			
		EPO Search fm EP98943860			

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Application Number	10/001,257
Filing Date	11/27/2001
First Named Inventor	Hakim
Art Unit	3727
Examiner Name	Harry A. Grosso
Attorney Docket Number	4009,007,002

Sheet	6	of	13
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FOREIGN PATENT DOCUMENTS

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Sheet 8 of 13

Complete if Known

Application Number	10/001,257
Filing Date	11/27/2001
First Named Inventor	Hakim
Art Unit	3727
Examiner Name	Harry A. Grosso
Attorney Docket Number	4009.007.002

U. S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			
		DE 2,634,226 A1		Germany	
		DE 195 10 007 A1		Germany	
		DE 295 00 819.9 U1		Germany	
		DE 296 08 342 U1		Germany	
		DE 297 06 653 U1		Germany	

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	10/001,257
Filing Date	11/27/2001
First Named Inventor	Hakim
Art Unit	3727
Examiner Name	Harry A. Grosso
Attorney Docket Number	4009-007-002

Sheet 9 of 13

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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code ² *Number ⁴ *Kind Code ³ (if known)	MM-DD-YYYY		
		DE 6948466 U		Germany	
		EP 0388828		European Patent Office	
		FR 695,291		France	
		FR 780,094		France	
		FR 2,373,740		France	

Examiner Signature		Date Considered	
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Sheet	11	of	13
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U. S. PATENT DOCUMENTS

[illegible]

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columna, Lines, Where Relevant Passages Or Relevant Figures Appear	Footnote
		Country Code* Number* Kind Code* (if known)	MM-DD-YYYY			
		GB 1,448,427		Great Britain		
		GB 2,268,045		Great Britain		
		WO 95/10965		WIPO		

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		US- 6,994,225 B2		Hakim	
		US- 2,174,361		Condon	
		US- 2,223,179		Lougheed	
		US- 3,718,140		Yamauchi	
		US- 4,600,111		Brown	
		US- 4,623,069		White	
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		GB 2 279 130		Great Britain	

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Substitute for form 1449/PTO <h2 style="text-align: center; margin: 10px 0;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center; font-size: small;">(Use as many sheets as necessary)</p>	<h3 style="text-align: center; margin: 0;">Complete if Known</h3> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Application Number</td><td>10/001,257</td></tr> <tr><td>Filing Date</td><td>11/27/2001</td></tr> <tr><td>First Named Inventor</td><td>Hakim</td></tr> <tr><td>Art Unit</td><td>3727</td></tr> <tr><td>Examiner Name</td><td>Harry A. Grosso</td></tr> <tr><td>Attorney Docket Number</td><td>4009.007.002</td></tr> </table>	Application Number	10/001,257	Filing Date	11/27/2001	First Named Inventor	Hakim	Art Unit	3727	Examiner Name	Harry A. Grosso	Attorney Docket Number	4009.007.002
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Sheet <u>13</u> of <u>13</u>													

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